

## **EXHIBIT FIVE**

Lisa Riccobene

04/11/2007

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UNITED STATES DISTRICT COURT

DISTRICT OF MASSACHUSETTS

\*\*\*\*\*

LISA RICCOBENE,

Plaintiff

vs.

No. 04-10256 MEL

MASSACHUSETTS BAY

TRANSPORTATION AUTHORITY

and ANNE McCALL,

Defendants

\*\*\*\*\*

VOLUME: I

DEPOSITION of LISA RICCOBENE

Wednesday, April 11, 2007

10:30 a.m.

Offices of Prince, Lobel, Glovsky & Tye LLP

100 Cambridge Street

Boston, Massachusetts

Judith McGovern Williams, Court Reporter

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1 were afraid of, and you said everybody?

2 A. Right. As a general statement.

3 Q. Right. No. Fair enough. And then I asked  
4 you to identify who in particular you weren't.

5 A. Right.

6 Q. So you are right. I stand corrected.

7 Anne McCall would have been within the  
8 group of everybody else other than the people you  
9 mentioned. Why were you physically afraid of Anne  
10 McCall?

11 A. Because of the way she dealt with me and the  
12 things that she -- the things that she -- the negative  
13 things that she would say to me, the way she would  
14 look at me, just her demeanor with me.

15 Q. Just back at the Quincy substation when  
16 Lieutenant -- Acting Chief Fleming said to you that  
17 wouldn't keep you safe, did you understand that to  
18 mean physical safety?

19 A. Yes.

20 Q. You didn't think he was referring to keeping  
21 your job safe?

22 A. No. Because he also made the comment that,  
23 you know, he didn't have the manpower to have somebody  
24 posted at my desk or wherever I went in the building.

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1 Q. Did he say to you that he wasn't sure he  
2 could protect his own job?

3 A. No. Not that I can remember.

4 Q. He was just the interim chief; right?

5 A. Who was going for the chief's position.

6 Q. And he didn't know if he would get it or  
7 not? Right?

8 MR. NOTIS: Objection.

9 THE WITNESS: I guess. I didn't know.

10 That's --

11 BY MR. DRETLE:

12 Q. And he did not get the chief's job, did he?

13 A. No.

14 Q. And when he said he couldn't protect you,  
15 did you also understand that to be in reference to  
16 your physical safety as opposed to protecting your  
17 job?

18 A. What was --

19 MR. NOTIS: Objection.

20 THE WITNESS: Go ahead.

21 MR. NOTIS: No. You go ahead.

22 BY MR. DRETLE:

23 Q. Do you understand the question?

24 A. I do understand the question, but what

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1 was -- why did I need to have my job protected when I  
2 had no disciplinary action and had been an exemplary  
3 employee? It has been the -- people at the T don't do  
4 things -- I have been with the T for 10 years. Oh,  
5 they say I have 5 years and 10 days to go before my  
6 retirement. Nobody, unless you do something other  
7 than killing or stealing some funds, do you ever get  
8 dismissed from the T. So if you are asking me did I  
9 think he was protecting my job, my answer to you would  
10 be that he would have no need to protect my job when I  
11 was such an exemplary employee. He was referring  
12 strictly to my safety.

13 Q. Did he take any steps to protect your  
14 physical safety that you know of?

15 A. Not that I know of, because he told me that  
16 there was nothing that he could do. The only thing I  
17 did hear -- and this was hearsay, because that's the  
18 way the T works -- is that I heard that he was going  
19 to be speaking to some computer expert in Medford -- I  
20 don't know whether it is a Medford cop, whether it is  
21 a person that lives in Medford -- and that he -- they  
22 were trying to decipher where the initial Internet  
23 posting came from, but it never went anywhere.

24 Q. So of the various job possibilities that

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1 A. In -- it was a general statement.

2 Q. Like rumors?

3 A. Yes.

4 Q. And how did it make you feel when she said  
5 the word Mafia princess?

6 A. It made me feel horrible. It embarrassed  
7 me.

8 Q. Did anybody hear her say it?

9 A. Sonny Peixoto.

10 Q. Anybody else?

11 A. No. There was only the two of us there --  
12 the three of us actually.

13 Q. And why did it embarrass you?

14 A. That's very derogatory to my ethnicity. It  
15 is very -- it is humiliating. You know, it is  
16 absolutely humiliating, you know, and I think it gives  
17 the wrong -- you know, when you hear someone say that  
18 about somebody, you think of very negative, derogatory  
19 statements about, you know, and that is not only an  
20 attack on me, but it is an attack on my character, my  
21 family.

22 Q. Well, you are referring to the Mafia part of  
23 it, not the princess part of it? Right?

24 A. I'm talking about the whole thing.

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1 A. Other than what I believe to be her in the  
2 Internet posting, no.

3 Q. And has anybody ever told you about anything  
4 that they heard Anne McCall say about your Italian  
5 heritage other than this Mafia princess remark?

6 A. Other than the Internet posting, nothing.

7 Q. Have you ever heard Anne McCall make a  
8 derogatory ethnic remark about anybody else?

9 A. Yes.

10 Q. What did you hear?

11 A. This is embarrassing. She made this like  
12 quacking sound and referred to Sonny as a portugoose.

13 Q. She quacked and referred to him as a  
14 portugoose?

15 A. Yes.

16 Q. She said the word portugoose?

17 A. Yes, she did.

18 Q. And when did this occur?

19 A. It occurred the day that Sonny came up to  
20 take a police report on my telephone being stolen, my  
21 cell phone being stolen.

22 Q. So the Mafia princess comment was at a  
23 different time?

24 A. No. It was at the very same time.

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1 Q. And this occurred on June 25, 2002; is that  
2 right?

3 A. I don't know what date it occurred.

4 Q. Do you have any idea when it occurred?

5 A. No. I have no idea when it occurred.

6 Q. Well, how long before Chief O'Loughlin left  
7 the T did it occur?

8 A. What year did this occur on June 25th?

9 Q. I am not answering the questions, just  
10 asking them.

11 A. I don't know.

12 Q. You don't know?

13 A. No.

14 Q. Do you remember if it was winter or summer?

15 A. No, I don't remember that either.

16 Q. Do you remember if it was before 9/11 or  
17 after?

18 A. No.

19 Q. You have no idea when this happened?

20 MR. NOTIS: Can I have a moment?

21 MR. DRETHER: Not right now.

22 MR. NOTIS: Well --

23 MR. DRETHER: In the middle of these  
24 questions?

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1 that was purely my opinion and speculation.

2 I believe that he may have assisted Anne in  
3 doing that, in doing so.

4 BY MR. DRETHER:

5 Q. Well, isn't your -- isn't it all speculation  
6 whether Anne had anything to do with it either?

7 A. Well, it is not speculation that Anne called  
8 me Mafia princess to my face, and different things  
9 that Anne did to me and in front of me weren't  
10 speculation. It wasn't in the air. It was real and  
11 solid. And she did things to me that she did to no  
12 other Irish, female or male person in that place. She  
13 completely isolated me in her attacks.

14 Q. But the Internet -- her role with respect to  
15 the Internet posting, if any, is speculation? Right?

16 A. The Internet? Okay. It is speculation.

17 Q. What else did she do that you just referred  
18 to that is not speculation?

19 A. Well, she would be the person that would go  
20 out and get everybody's lunch on the top floor. Okay?  
21 She would get everybody's lunch and ask everybody to  
22 go to lunch except for me, and she would bring back  
23 take out for everybody except for me. I was never  
24 asked. I was never given -- given the opportunity,

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1 nor did she ever bring me anything back.

2 She used to watch my time and what I  
3 did like a hawk, and the reason why I know this is I  
4 was told by Janet Rivera-Jones that when I was ordered  
5 to go to the workmen's comp hearing for Sonny Peixoto,  
6 that I wanted no part of, I had to put in for a  
7 specific amount of time because I was actually on -- I  
8 was either out on comp time or I was on a day off, and  
9 I wanted that time back since I was ordered to do  
10 that, and she wanted to know -- she knew exactly what  
11 time I left there and exactly what time I got there,  
12 and she had absolutely positively nothing to do with  
13 me or my time. I reported to one person and one  
14 person only.

15 She would see me in the hallway, and  
16 she would -- hmm -- she would make these noises. She  
17 was rude and she was ignorant to me, and she was  
18 completely condescending and go out of her way to  
19 embarrass me in a whole group of people. There was a  
20 whole group of people talking, and I was completely  
21 excluded. No matter how hard I tried to be part of  
22 the, quote-unquote, in-crowd at the MBTA or the  
23 life-longers at the MBTA, I was not even given one  
24 iota of a space from that woman. Okay? I would have

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1 You know, somebody in an office up on the  
2 Commissioner's floor.

3 Q. Well, what steps did you take to apply for  
4 the job?

5 A. I filled out an application.

6 Q. And you sent it in?

7 A. And went for an interview. Um-hmm.

8 Q. Do you have a copy of that application?

9 A. No.

10 Q. Who did you interview with?

11 A. A couple of people. I don't know who.

12 Q. Did Anne McCall's name come up during the  
13 interview?

14 A. No.

15 Q. And what happened after the interview?

16 A. After the interview I didn't hear for a  
17 while and I -- what I did was I inquired about it  
18 and then was told that, you know, I was being killed  
19 over there, my name was being absolutely killed over  
20 there. And then when the woman finally called me  
21 back, she said to me, you know, asked me was I aware  
22 that I had a lawsuit going at the M.B.T.A.

23 Q. So you called someone at the --

24 A. Yes.

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1 hours for which you were entitled to be paid \$20 per  
2 hour?

3 A. Yes.

4 Q. And how did you come up with a figure of 640  
5 hours? How do you know that's how many overtime  
6 hours you worked?

7 A. I saved most of my slips that I had been  
8 compensated for so we were able to --

9 Q. What makes you say you should have been paid  
10 \$20 per hour for that time?

11 A. I think that was my rate of pay.

12 Q. Do you recall filing a Nonpayment of Wage  
13 Complaint with the Attorney General's Office?

14 A. Yes.

15 Q. And do you recall there stating that you  
16 believed you were owed \$25,000?

17 A. No, I don't remember that.

18 Q. Do you recall stating there that you  
19 believed you were entitled to \$25 per hour?

20 A. No, I don't remember that.

21 Q. I'll represent to you that in the automatic  
22 disclosures which is a document prepared by counsel  
23 at the inception of the case, it states here lost  
24 overtime pay at approximately \$63,000. Your